

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I disapprove, and am vetoing and filing with the Secretary of State House Bill 867.

This bill is inadequate in its definition of "shorthand reporting," the occupation or profession sought to be regulated. The phrase "and other similar proceedings" in Section 2, subparagraph (3) is vague, indefinite and uncertain. Similar to what? The preceding words are "court proceedings," "pre-trial examinations," "depositions," and "motions." Are administrative hearings before the Railroad Commission "similar proceedings"? Are the thousands of administrative hearings conducted by the Texas Employment Commission, Texas Department of Public Welfare, and other state agencies where verbatim transcripts of hearings are made to be included as "similar" proceedings? If certified shorthand reporters are required, in every instance, for this type of work, the expense involved in such hearings would be most substantial and perhaps prohibitive. Since Section 10 states that with minor exceptions no person may engage in the practice or attempt to practice "shorthand" reporting without a certificate, a more certain clarification of the type of activity to be included within the definition of "shorthand" reporting and a more definite delineation as to the type of proceedings requiring the use of a certified reporter is required to render this bill workable.

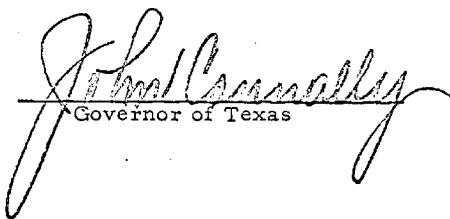
There is yet another fatal flaw in this bill. Under present law, notaries public can issue subpoenas for depositions only within the limits of the county of their residence. Under Section 16 of this bill, a certificate holder could issue subpoenas effective throughout the entire state and "do all things necessary in the taking of oral and written depositions in accordance with existing laws and court rules." No apparent mileage or geographical limitations are imposed. Certificate

holders are in effect made roving notaries. Not only is this provision in irreconcilable conflict with present law limiting notaries in deposition matter to certain geographical areas, but notice of this sweeping grant of authority is not contained in the caption of the bill as constitutionally required.

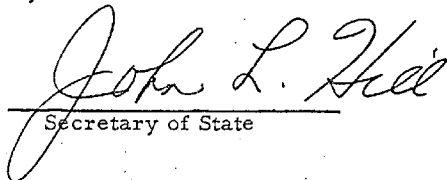
Further, this bill is defective in that it makes no provision as to the court to which an appeal shall be taken from action of the Board and contains no provision or guide lines for revocation or suspension of certificates.

House Bill 867 was received in the Governor's Office on May 29, 1967, less than 10 days prior to the adjournment of the Regular Session of the 60th Legislature, and in accordance with Article IV, Section 14 of the Constitution of Texas, the Bill, together with this Proclamation, is filed with the Secretary of State.

IN TESTIMONY WHEREOF, I
have hereunto signed my name
officially and caused the seal
of State to be affixed hereto at
Austin this 19th day of June,
1967.


Governor of Texas

By the Governor:


Secretary of State